

**Lower Heidelberg Township Planning Commission  
Meeting Minutes  
In Person Meeting  
November 8, 2021**

The November 8, 2021 Meeting of the Lower Heidelberg Planning Commission was held at the Township Building, 720 Brownsville Road, Sinking Spring, on the above date. The November meeting was duly advertised to be held in person. Present were Chairman Dean Hartman, Vice Chair Heath Kearney, and member Bill Moser. Also attending were Manager Pamela Stevens, Solicitor Andy Bellwoar, Township Engineer Ryan Rhode, and guests Karen Krater, Dave Kurtz, and George Neubert.

Dean Hartman, the Planning Commission Chairman called the meeting to order at 7:07 PM.

**October 11, 2021 Meeting Minutes:** Mr. Hartman requested approval of the October 11, 2021 Minutes, and there were comments concerning citing the proper Sections for the waivers and the deferral waivers for 1053 Brownsville Annexation Plan. **On Motion** by Mr. Hartman and seconded by Mr. Kearney for conditional approval of the October 11, 2021 Meeting minutes with the Township Solicitor to confirm and add in section numbers as needed, and give these to Ms. Stevens to finalize the meeting minutes. All three members present voted yes, motion carries.

**Public Comment** – George Neubert, a longtime resident on Knollwood Drive spoke about the growth in Township and the growth creates challenges. What does the Planning Commission do for long range planning especially for traffic issues as the traffic has increased on Faust Road and backs up at the intersection at Evans Hill and Faust Roads. Can the current road infrastructure handle the increase in traffic? Mr. Bellwoar responded, Mr. Neubert's concerns are well founded, but the Planning Commission is restricted as to what they can comment on, and the comments must comply with the Township Ordinances. There are restrictions in the ordinances and the PA Law gives the right to the developer to develop his property in accordance with the Township Regulations. Act 209 is a very long and expensive procedure to have the developers financially contribute for roadway infrastructure identified in the Act 209, but that may not alleviate all of the concerns since it appears to be commuter traffic using the roads in Lower Heidelberg and not residents of the Township. Mr. Neubert asked about traffic enforcement on Faust Road, and Ms. Stevens invited him to the November 15, 2021, Board of Supervisors Meeting as Faust Road is on the Agenda for the Board to discuss Faust Road Speed Limit. Mr. Rhode did state that the LTAP studies resulted in a recommendation on a revised speed limit on Faust Road. And this is the Study that the Board will be discussing. Mr. Hartman stated that tractor trailers have been witnessed on Faust Rd., and he is concerned that they are out of town, more than likely overweight, and cause problems for the roads and bridges. Mr. Kurtz recommended that the Township Supervisors should look at the overall traffic patterns in the Township, and he is concerned especially about Gaul Road with the proposed 60-unit apartments and the Phoebe 300 unit complex that both will access Gaul Road. Mr. Bellwoar again stated that Act 209 is a mechanism to receive money to offset the traffic congestion. Mr. Hartman agreed the traffic in the Township as a whole is a concern, and especially the impact caused by the commuters.

**Development Plans**

**Eberly Subdivision Plan:** Mrs. Krater presented the Eberly Subdivision Plan. She will be requesting waivers. One of the comments was to show a proposed driveway for the new lot on the plans. She also provided a driveway profile. To comply with the Ordinance for a maximum driveway grade of 15% created a cut of over 15% as the driveway approaches the house, which is a significant amount earth moving so a waiver is now being requested.

Eberly Plan continued: Mr. Rhode asked what section of the Ordinance she is requesting the waiver. Mrs. Krater noted Section 405.h. She is also requesting a partial waiver on the monuments for Section 658 due to the topography of the site, and the driveway grade as just discussed from Section 405.h. Mr. Rhode requested the explanation on the Planning Module and the proposed on-lot systems. Mrs. Krater explained that there was a delay with environmental approvals and while they were waiting for the PA Fish & Boat Commission approval and for wetland investigation, the on-lot system that was proposed was a drip irrigation and per a new Act, additional percs and probes needed to be scheduled with the Township SEO. Mr. Rhode noted that the existing driveway crosses the adjoining property. Mrs. Krater noted that since the gravel lane has been in existence for a period of greater than 21 years, a note was added to the plan. Mr. Bellwoar discussed that the restrictive note 1 for Lot 1 he does not recommend that the Township endorse the "prescriptive easement", and Mr. Hartman was also concerned about the note. Mr. Hartman has no concerns with the waivers. Mr. Bellwoar will add language The Waivers in upper left corner of the plan will be modified to add the two new waiver requests and will go to the Board of Supervisors for the Conditional Plan approval. Mrs. Krater and Mr. Rhode discussed the plan title and since it qualifies as a Minor Subdivision the plan is deemed a preliminary/final plan per the ordinance.

**On Motion** by Mr. Hartman and seconded by Mr. Kearney recommend the Supervisors grant the waivers as presented on the plan and the two new waivers for Section 658 for a partial waiver of the monuments, and Section 405.h for a partial waiver of the driveway grade. All voted yes so motion passed unanimously. Mr. Bellwoar summarized the next motion for the conditional plan approval. **On Motion** by Mr. Hartman and seconded by Mr. Kearney recommend a conditional plan approval to the Supervisors of the Eberly Minor Subdivision Plan dated October 12, 2021 and in to be accordance with the Kraft Engineering letter. All voted yes so motion passed unanimously.

**Zoning Hearings**: Mr. Bellwoar noted that the Zoning Variance for Green Valley Terrace is on schedule for the Hearing on October 19, 2021. Ms. Stevens will contact Mr. Rothermel to ascertain what deadline needs to be given to the applicant's Attorney to respond to the potential revision to the Variance Application. If there is no change then the response deadline may not be applicable. Mr. Rhode expanded that the Zoning Officer's interpretation of the required 10 acres developable or 10 acres net. Mr. Hartman discussed the net and gross acres has been interpreted differently. The applicant owns less than 10 acres. Mr. Kearney researched the parcels and they do not add up to 10 acres.

**Time Extensions** – None needed now that Eberly has been conditionally approved by the Planning Commission this evening, and Mr. Hartman clarified with Ms. Stevens the time extensions were all approved by the Board of Supervisors for both Eberly and Green Valley Terrace as reflected on the Agenda.

**Other Business** – Mr. Rhode noted he was contacted by the Engineer for the Phoebe Project and November 22nd should meet the 21 days required for the plan to be submitted and be on the December 13<sup>th</sup> Planning Commission agenda. Ms. Stevens confirmed.

There being no further business or public comment, the Planning Commission meeting was adjourned at 7:55 pm **On Motion** by Mr. Hartman and seconded by Mr. Kearney.

Respectfully submitted,

Pamela J. Stevens Recording Secretary for the Planning Commission

Approved 4/11/2022